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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,385	07/03/2003	Raymond Hobbs	12207.0900	7221
7590 03/07/2006			EXAMINER	
Snell & Wilmer L.L.P.			MAUST, TIMOTHY LEWIS	
One Arizona C	enter			
400 East Van Buren			ART UNIT	PAPER NUMBER
Phoenix, AZ 85004-2202			3751	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		\lambda \int \int \int \int \int \int \int \int				
	Application No.	Applicant(s)				
Office Astice Occurrence	10/613,385	HOBBS, RAYMOND				
Office Action Summary	Examiner	Art Unit				
	Timothy L. Maust	3751				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the (	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailling date of this communication.  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	PATE OF THIS COMMUNICATION  136(a). In no event, however, may a reply be ting  will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE.	N. mely filed  n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 05 J	lanuary 2006.					
2a) This action is <b>FINAL</b> . 2b) This						
· ·	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) <u>1-46</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) <u>1-46</u> are subject to restriction and/or	ewn from consideration.					
Application Papers						
9) The specification is objected to by the Examina						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the E						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)	4) ☐ Interview Summar	v (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail [	Date				
<ol> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date</li> </ol>	5) Notice of Informal 6) Other:	Patent Application (PTO-152)				

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## **DETAILED ACTION**

Due to Applicant's amendment to claim 1 on 1/5/06, a restriction of the claims follows.

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-15 and 41-43, drawn to a system for dispensing hydrogen gas, classified in class 141, subclass 98.
- II. Claims 16-40 and 44-46, drawn to a system for handling hydrogen, classified in class 141, subclass 97.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as being use in a system that doesn't require a bottom of a pressure vessel having a substantially sealed secondary containment. See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Tue. - Thur. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Timothy L Maust Primary Examiner Art Unit 3751

Tlm 3/2/06